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Response to Comments (March 2, 2007)

HAZARDOUS WASTE FACILITY PERMIT AND NEGATIVE DECLARATION

**Ecology Control Industries, Richmond
255 Parr Boulevard
Richmond, California 94801
EPA ID. NO. CAD0009466392**

Background

Public Participation Activities:

Pursuant to California Code of Regulations, title 22, section 66271.9 the Department of Toxic Substances Control (DTSC) issued a public notice for the Draft Hazardous Waste Facility Permit and Draft Negative Declaration on June 5, 2006. Display advertisements, in English and Spanish, were placed in the Contra Costa Times newspaper on June 5, 2006, announcing the comment period and public hearing. Fact Sheets, in English and Spanish, with information about the project and public participation activities were mailed to approximately 211 addresses on the facility mailing list. Radio advertisements for the public comment period and public hearing were broadcast on two radio stations KBLX (English) and KIQI (Spanish) on July 8, 2006. Document repositories were set up at the Richmond Public Library in Richmond and at the DTSC office in Berkeley.

A public hearing was held at 6:00 PM on July 10, 2006, at the Richmond Public Library located at 325 Civic Center Plaza, Richmond, California. Dr. Henry Clark, Executive Director of the West County Toxics Coalition, attended the public hearing.

The comment period ran from June 5, 2006, through July 20, 2006. Written comments concerning the Draft Negative Declaration and Initial Study were received from Ms. Diedra Dingman, Solid Waste Program Manager, with the Contra Costa County Community Development Department. In addition, Dr. Henry Clark provided verbal comments on the project during the public hearing.

California Environmental Quality Act (CEQA):

DTSC prepared an Initial Study, dated June 1, 2006, to evaluate potential environmental effects associated with the Draft Permit renewal. On the basis of the Initial Study, DTSC found that the proposed project could not have a significant effect on the environment and a Draft Negative Declaration was prepared.

DTSC has considered all public comments carefully and has prepared this Response to Comments document. In response to certain comments, DTSC made minor changes to the draft Permit and the draft Negative Declaration.

Comments Received and Responses to Comments

The following comments were received from Ms. Diedra Dingman, Solid Waste Program Manager, with the Contra Costa County Community Development Department in a letter dated July 20, 2006.

Comment 1:

Page 3 of the Negative Declaration includes the following inaccurate statement "Nearest residence is approximately half-mile from site". There are two adjacent residences located along a portion of the property boundary on the east side of the site (which is acknowledged on page 3 of the Initial Study).

Response to Comment 1:

Page 3 of the Negative Declaration has been revised to state that there are two adjacent residences located along a portion of the property boundary on the east side of the site.

Comment 2:

Page 3 of the initial study correctly acknowledges that there are two residences on the east side of the property (see comment above related to page 3 of the negative declaration).

Response to Comment 2:

Page 3 of the Negative Declaration has been revised and states there are two adjacent residences located along a portion of the property boundary on the east side of the site.

Comment 3:

Page 10 of the Initial Study includes the following inaccurate statement “No schools within a mile of the facility”.

Response to Comment 3:

DTSC acknowledges the comment. Verde Elementary School is located one half (½) mile away from the site. This information will be recorded in the administrative file.

Comment 4:

Page 21 of the Initial Study includes determination of consistency with current zoning which is premature and unsubstantiated. The project site is zone P-1 (Planned Unit Development) and the General Plan Land Use Designation is Heavy Industrial. The tank processing operation use appears to be consistent with uses that existed prior to approval of revisions to Chapter 84-63 of the County’s Zoning Code in 1996. Chapter 84-63 requires land use permits for certain development projects involving hazardous materials or waste. Therefore, the tank processing use may not be enlarged or extended until the owner demonstrates compliance with Chapter 84-63 of the county Code.

Response to Comment 4:

DTSC is requiring ECI Richmond to replace the tank staging pad because it does not meet secondary containment requirements. The proposed design of the replacement pad includes an increase in surface area. The facility will not be permitted to store any additional hazardous waste; the larger pad will simply assist with daily operations. The Permit limits the number of un-clean tanks that can be stored at the site to 25.

DTSC contacted Ms. Dingman via telephone on January 2, 2007 to discuss the applicability of Chapter 84-63. After talking to Ms. Dingman, DTSC believes that the replacement of the tank staging pad does not qualify as a development project.

The following is taken from the Contra Costa County Code Chapter 84-63.

84-63.410 Development project.

(b) A development project does not include:

(2) Any project consisting only of maintenance, repair, and replacement or minor modification of existing equipment provided the storage design capacity is not increased

and the hazard category of hazardous material or hazardous waste handled is not increased.

Comment 5:

Page 21 of the initial study includes the following inaccurate statement “No immediate plans to perform construction at the site”. This statement is in conflict with other statements in the Initial Study that indicate the Tank Staging Area will be removed and reconstructed (page 1) as well as expanded (page 7 and site map on page 34).

Response to Comment 5:

Page 21 of the initial study does state that there are “no immediate plans to perform construction at the site”. The permit will allow ECI to continue to operate during investigation and remediation of the containment area.

Once the permit is issued, the correction action process will begin. The corrective action implementation process requires a significant amount of time for completion. As mentioned on page 7 of the initial study, once the permit is issued, the Permittee will have 30 days to submit a RCRA Facility Investigation (RFI) Work Plan. DTSC will review and approve the RFI Work Plan. Once the RFI Work Plan is approved, the Permittee will have another 30 days after completing the soil and groundwater investigation to submit a RFI Report. DTSC will review the RFI Report and notify the Respondent in writing of DTSC’s approval or disapproval. After the RFI Report is approved, the Permittee will be required to submit a RFI Summary Fact sheet. DTSC will review the fact sheet and notify the Permittee of DTSC’s approval or disapproval. Within 45 days of DTSC’s approval of the RFI report, the Permittee will be required to submit a Corrective Measures Study Work Plan. Following approval of the CMS, the Permittee will be required to submit a CMS Report for approval. DTSC will then provide the public with an opportunity to review and comment on the final draft of the CMS Report, DTSC’s proposed corrective measures for the Facility, and DTSC’s justification for selection of such corrective measures. Within 60 days of the receipt of notification of DTSC’s notification of the selected corrective measures. The Permittee will be required to submit a Corrective Measures Implementation Work Plan (CMI). Therefore, there are no immediate plans to perform construction at the site.

Comment 6:

Page 22 of the Initial Study includes the following statement “Project does not authorize any activities which would disturb surface soils or authorize further development” which

conflicts with other statement in the Initial Study. Page 1 of the Initial Study states that there is an ongoing soil investigation which likely disturbs surface soil. Furthermore, there are statements in the Initial Study that indicate the Tank Staging Area will be removed and reconstructed (page 1) as well as expanded (page 7 and site map on page 34).

Response to Comment 6:

The comment is noted. In section 10 of the Initial Study, Mineral Resources, the statement "The project does not authorize any activities which would disturb surface soils or authorize further development." This statement is in reference to the subject of Mineral Resources. The project does not authorize any activities which would disturb surface soils or authorize further development with regard to mineral resources. The area is currently zoned as industrial and has been since at least 1987. The facility will conduct the same operations as the previous operator, Erickson, Inc. This will be recorded in the administrative file.

Comment 7:

Page 22 of the Initial Study includes the following statement "100 dB adjacent to the tank cutting area and 80dB at nearest property fence line when power tools are operated". As noted above there are two residences located along a portion of the eastern property fence line, were noise reading taken at these locations which are the nearest sensitive receptors?

Response to Comment 7:

Noise readings were taken at the property line next to the houses. A Quest sound meter was used to measure the noise level of the power tools. The background reading without the power tools operating ranged from 47 to 49 dB. The noise level with the power tools operating (circular saw and air hammer) was also in the range of 47 to 49 dB. Therefore, any noise generated from operating the power tools is indistinguishable from the background noise and does not exceed the County's General Plan Noise Element of 60 dB in residence areas. The nearest property fence line at which the 80db were measured is in the opposite direction (west) away from the tank rinse pad and adjacent houses. The houses are approximately one quarter ($\frac{1}{4}$) mile from the tank rinse pad where the power tools are operated.

Comment 8:

Page 23 of the Initial Study: It appears that the noise analysis was conducted without referring to the appropriate local noise standards. Specifically, the analysis used the requirements of Richmond Municipal Code as a standard of significance. The site is not located in the City of Richmond. It is located adjacent to the City in the unincorporated North Richmond area which falls under Contra Costa County jurisdiction. Contra Costa County's General Plan Noise Element contains the following relevant policies:

- Standard for outdoor noise levels in residential area is DNL of 60 db (decibels).
- Playgrounds and neighborhood parks are compatible with a noise level of 70 dB without mitigation.

Response to Comment 8:

Noise readings were taken at the property line next to the houses. A Quest sound meter was used to measure the noise level of the power tools. The background reading without the power tools operating ranged from 47 to 49 dB. The noise level with the power tools operating (circular saw and air hammer) was also in the range of 47 to 49 dB. Therefore, any noise generated from operating the power tools is indistinguishable from the background noise at the property line next to the two houses and does not exceed the County's General Plan Noise Element of 60 dB for residential areas. The nearest property fence line at which the 80db were measured is in the opposite direction away from the tank rinse pad and adjacent houses. The houses are approximately one quarter (1/4) mile from the tank rinse pad where the power tools are operated.

Comment 9:

Page 23 of the Initial Study includes the following inaccurate statement "nearest residence is approximately 1/4 mile away". This statement suggests that the noise analysis did not incorporate the nearest sensitive receptors which are the two adjacent residences located along the portion of the property boundary on the east side of the site (which is acknowledged on page 3 on the Initial Study).

Response to Comment 9:

The two houses are approximately one quarter (1/4) mile away from the tank rinse pad where the power tools are operated. As mentioned in the response to comment 7, noise readings were taken at the property line next to the two houses. A Quest sound meter was used to measure the noise level of the power tools. The background reading

without the power tools operating ranged from 47 to 49 dB. The noise level with the power tools operating (circular saw and air hammer) was also in the range of 47 to 49 dB. Therefore, any noise generated from operating the power tools is indistinguishable from the background noise at the property line next to the two houses and does not exceed the County's General Plan Noise Element of 60 dB in residence areas. The nearest property fence line at which the 80db were measured is in the opposite direction (west) away from the tank rinse pad and adjacent houses.

Comment 10:

It would be beneficial to the community if this facility operator is required to restrict all truck traffic to and from the facility to the following designated access routes: Richmond Parkway to Parr Boulevard.

Response to Comment 10:

ECI Richmond has agreed to limit truck traffic from Richmond Parkway to Parr Boulevard and therefore avoid traveling through the residential area. A condition limiting truck traffic from Richmond Parkway to ECI's location on Parr Boulevard has been added to the permit.

The following comments were received from Dr. Henry Clark, Executive Director of the West County Toxics Coalition during the public hearing.

Comment 11:

My concern with the project here is to insure that there is no contamination that is leaving the site that is going into the surrounding creek.

Response to Comment 11:

The facility recycles drained underground storage tanks used to store gasoline or diesel fuel. The facility conducts operations in a manner that ensures that no Non-RCRA hazardous waste is released on-site or off-site. Controls include complete capture of rinsate, proper container storage, and secondary containment. The entire process takes place within a secondary containment on a concrete, bermed pad. The berm height is sufficient to contain all rinsate. Water from tank cleaning operations is not discharged to the sewer. There are no storm drains located on the property. The tank processing pad and rinsate holding tanks are equipped with secondary containment that will capture storm water. All rain water that falls inside the tank containment and tank

cleaning areas is pumped into the rinsate holding tanks. Neither 55-gallon drums nor roll bins are stacked. The 55-gallon drums are checked daily for leaks and shipped off-site at least every 90 days. The roll off bins are manufactured with factory-installed lining to prevent leaks which would minimize the contact of hazardous waste with the soil.

Comment 12:

I want to insure that there's no threat from any explosions from the facility that would affect the North Richmond community.

Response to Comment 12:

Underground storage tanks that have been previously pumped empty in the field are received by the facility for thorough decontamination. Storage tanks are verified to be RCRA empty when received at the facility.

The decontamination process includes removal of all residual material inside the tank. The physical process of removing this waste includes cutting a hole in the side of the tank and physically removing any remaining waste from the tank. Prior to cutting, the technician verifies that the atmosphere inside the tank contains less than 10% of the low explosive limit (LEL) for flammable vapors and less the 10% oxygen. Carbon dioxide is pumped into the tank to displace any oxygen or flammable vapors that may be present. The oxygen and LEL are maintained throughout the cutting process.

The waste is removed from the interior of the tank and is transferred into 55-gallon drums and tested for ignitability with an LEL meter. This material is classified as either ignitable or Non RCRA hazardous waste depending on the LEL reading. Waste that is determined to be ignitable is shipped for disposal as Waste Flammable Liquid.

The facility does not use, receive, handle, or generate any waste which would be incompatible with hydrocarbon wastes.

Comment 13:

I want to make sure that any wastewater that is leaving the facility is properly tested and properly manifested so if there's ever any question that comes up about what type of waste that was transported from the facility to any of the treatment plants here in the Richmond/Contra Costa County area is clearly documented and those documents can

be reviewed as to what tests were taken and the nature of that water that was shipped off site.

Response to Comment 13:

Tanks are shipped to the facility on a Uniform Hazardous Waste Manifest under the shipping name: Non RCRA Hazardous Waste Solid.

Waste Characterization Sampling:

Polyethylene Rinsate Holding Tank: Samples are collected and analyzed for the initial three shipments to verify the waste conformity and then on an annual basis to confirm the waste characteristics. Three grab samples will be collected using a coliwasa sampler. One sample from the bottom, middle and top of the tank is obtained. These

samples will be combined into a composite sample. This representative composite sample will then be distributed into the following containers and tested for the following flash point, benzene, toluene, ethylbenzene and xylene (BTEX) /methyl tertiary butyl ether (MTBE), TRPH, and California Code of Regulations title 22, section 66261.24(a)(2)(A) metals (CAM) metals.

The samples are then delivered to a California Certified Laboratory with a completed Chain-of-Custody. Flash point is run to test for characteristic ignitability. Since gasoline tanks are cleaned at the facility, test method 8260B is run to confirm benzene levels are below RCRA levels and test method 6010B is run to confirm lead levels are below RCRA levels. Test method 418.1 is run to determine the amount of petroleum hydrocarbons in the waste stream. The waste in the holding tank separates into 3 layers. The top layer contains waste oil and hydrocarbons, the middle layer is aqueous, and the bottom layer contains sludge, soil, and tank bottoms. As stated above, a composite sample taken from all three layers and is used to better represent this waste stream. Samples are collected and analyzed for the initial 3 shipments to verify the waste conformity and then on an annual basis to confirm the waste characteristics. The procedure for verifying the accuracy or validity of the sampling results includes duplicate samples and trip blanks. Once every 12 months split samples will be sent to two California certified hazardous waste laboratories to verify sampling and results. Waste stream characteristics may change if fuel or petroleum formulations change. ECI will test for additional analytes if necessary.

Drums and Drum Storage:

Drums are shipped off-site at least every 90 days. Drum lids are secured at the end of every work shift. Drums are sealed with a drum lid which has been secured with a drum ring. Partially full drums are kept outside on the cleaning pad until completely full. If necessary, a tarp is placed over the drums that are temporarily staged outside. Full drums are stored inside the drum storage locker. The drums and storage locker are inspected daily.

Comment 14:

We do not want diesel trucks running in and out of the North Richmond community. If there is any transporting of any tanks or any truck coming in and out of the facility that they should take the Richmond parkway and not be coming through the residential area of North Richmond.

Response to Comment 14:

ECI Richmond has agreed to limit truck traffic from Richmond Parkway to Parr Boulevard and therefore avoid traveling through the residential area. A condition limiting truck traffic from Richmond Parkway to ECI's location on Parr Boulevard has been added to the permit.